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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,701	03/29/2001	Naoya Fujisaki	826.1722	3142
21171	7590	01/20/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			LEROUX, ETIENNE PIERRE	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/819,701		FUJISAKI, NAOYA	
	Examiner		Art Unit	
	Etienne P LeRoux		2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Status

Claims 1-18 are pending. Claims 1-18 are rejected as detailed below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8, 15, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 5,437,029 issued to Sinha (hereafter Sinha).

Claims 1, 15, 16 and 18:

Sinha discloses:

a setting unit setting policy attribute data specifying file usage, determined by an administrative user in correspondence with path information of a directory [Fig 1, col 1, line 53-col 2, line 10]

a file managing unit managing a file based on policy data composed of the path information of the directory and the policy attribute data [col 8, lines 25-40]

Claim 2:

Sinha discloses:

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a setting unit setting policy attribute data specifying file usage, determined by an administrative user, in accordance with path information of a directory [Abstract]

an assigning unit assigning policy attribute data of a directory so as to be inherited to a subdirectory, or assigning specified policy attribute data indicating a policy on which file management is based to the subdirectory [Abstract]

Claim 3:

Sinha discloses wherein information indicating whether or not to require a path search is registered in correspondence with the policy attribute data [col 9, lines 16-25]

Claim 4:

Sinha discloses a control table storing information indicating a directory to be searched next, wherein pointer information pointing to a storage location within said control table is registered as policy attribute data of a directory [tot_directories, col 12, lines 3-25]

Claims 5 and 6:

Sinha discloses wherein checkpoint information indicating path information of a directory yet to be generated is registered to said control table for the directory [SPNT cache, Fig 4, col 7, lines 40-65]

Claims 9 and 10:

Sinha discloses a policy violation registering unit registering policy violation information indicating a policy attribute violation to corresponding policy attribute data, if a file operation which violates the policy attribute data is performed [col 10, lines 40-65].

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinha

Claim 7:

Sinha discloses the elements of claims 1 and 2 as noted above but fails to disclose wherein when a name of a directory is changed, policy attribute data of a parent directory is inherited to a subdirectory if policy attribute data is not specified for the subdirectory, and specified policy attribute data is assigned to a subdirectory if the policy attribute data is specified for the subdirectory. Sinha discloses as admitted prior art a root directory and a subdirectory which may be a child or grandchild of the root directory [col 1, lines 35-45]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sinha to include wherein when a name of a directory is changed, policy attribute data of a parent directory is inherited to a subdirectory if policy attribute data is not specified for the subdirectory, and specified policy attribute data is assigned to a subdirectory if the policy attribute data is specified for the subdirectory based upon Sinha's admitted prior art for the purpose of quickly locating a file by successively searching a path from a root directory to subdirectories.

Claim 8:

Sinha discloses the elements of claims 1 and 2 as noted above but is silent regarding whether or not to require inheritance is predefined for the policy attribute data and policy

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attribute data of a parent directory is assigned so as to be inherited to a subdirectory if the policy attribute data of the parent directory is data which is requested to be inherited, or specified policy attribute data is assigned to the subdirectory if the policy attribute data of the parent directory is data which is not requested to be inherited. Sinha discloses as admitted prior art a root directory and a subdirectory which may be a child or grandchild of the root directory [col 1, lines 35-45]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sinha to include whether or not to require inheritance is predefined for the policy attribute data and policy attribute data of a parent directory is assigned so as to be inherited to a subdirectory if the policy attribute data of the parent directory is data which is requested to be inherited, or specified policy attribute data is assigned to the subdirectory if the policy attribute data of the parent directory is data which is not requested to be inherited based upon Sinha's admitted prior art for the purpose of creating a policy that enables files to be quickly accessed considering that files could be distributed throughout a network [col 1, lines 26-35].

Claim 17:

Sinha discloses setting policy attribute data indicating a policy on which file management is based, in correspondence with path information of a directory and file usage specified by an administrative user [Fig 1, col 1, line 53- col 2, line 10], and assigning at least one of policy attribute data for files in the directory to be inherited to a subdirectory [col 1, lines 26-35].

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sinha in view of US Pat No 5,832,527 to Kawaguchi (hereafter Kawaguchi).

Claim 11:

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Sinha discloses the elements of claim 1 as noted above but fails to disclose wherein information of a total file size of files within a directory is registered as policy attribute data of the directory. Kawaguchi discloses wherein information of a total file size of files within a directory is registered as policy attribute data of the directory [Fig 10, col 10, lines 10-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sinha to include wherein information of a total file size of files within a directory is registered as policy attribute data of the directory as taught by Kawaguchi for the purpose of setting up an efficient memory management system.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sinha in view of US Pat No 6,185,574 issued to Howard et al (hereafter Howard).

Claim 12:

French discloses the elements of claim 1 as noted above but fails to disclose wherein when a file is stored in an archive file, policy data composed of path information of a directory and policy attribute data is stored in the archive file. Howard discloses wherein when a file is stored in an archive file, policy data composed of path information of a directory and policy attribute data is stored in the archive file [Howard, abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify French to include wherein when a file is stored in an archive file, policy data composed of path information of a directory and policy attribute data is stored in the archive file as taught by Howard for the purpose of assigning less frequently used data to mass storage which is more economical and also is more secure.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Sinha and Howard and further in view of US Pat No 6,195,695 issued to Cheston et al (hereafter Cheston).

Claim 13:

The combination of Sinha and Howard discloses the elements of claims 1 and 12 as noted above but fails to disclose a registering unit reading and registering the policy data stored as a hidden file in the archive file, when the file is backed up. Cheston discloses further comprising a registering unit reading and registering the policy data stored as a hidden file in the archive file, when the file is backed up [col 2, lines 43-54]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include further comprising a registering unit reading and registering the policy data stored as a hidden file in the archive file, when the file is backed up as taught by Cheston for the purpose of dividing the files into active and not available for current use [Cheston, col 3, lines 50-55].

Claim 14:

The combination of Sinha and Howard discloses the elements of claims 1, 12 and 13 as noted above but is silent regarding wherein when a file is restored, comparison is made between path information of a directory to be generated and path information of a directory within the policy data stored as the hidden file in the archive file, and the policy attribute data is set for the directory the path information of which matches. Cheston discloses restoring from a corrupted executable application and/or operating system (and a resulting crash) [col 2, lines 15-61]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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further modify the above combination of references to include wherein when a file is restored, comparison is made between path information of a directory to be generated and path information of a directory within the policy data stored as the hidden file in the archive file, and the policy attribute data is set for the directory the path information of which matches as taught by Cheston for the purpose of restoring a file that becomes corrupted during a system crash.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawaguchi in view of Howland.

Claim 17:

Kawaguchi discloses setting policy attribute data indicating a policy on which file management is based, in correspondence with path information of a directory [col 4, lines 9-43] but fails to disclose assigning at least one of policy attribute data for files in the directory to be inherited to a subdirectory, and assigning specified policy attribute data for files in the subdirectory to a corresponding subdirectory when moving the directory. Howland discloses assigning at least one of policy attribute data for files in the directory to be inherited to a subdirectory, and assigning specified policy attribute data for files in the subdirectory to a corresponding subdirectory when moving the directory [col 3, lines 8-12]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kawaguchi to include assigning at least one of policy attribute data for files in the directory to be inherited to a subdirectory, and assigning specified policy attribute data for files in the subdirectory to a corresponding subdirectory when moving the directory as taught by Howland.

The ordinarily skilled artisan would have been motivated to modify Kawaguchi per the above for the purpose of reducing the number of levels in the tree structure to in to expedite searching.

Response to Arguments

Applicant's arguments filed 11/16/2005 have been fully considered but they are not persuasive for the following reasons.

Applicant Argues:

Applicant states in the first paragraph of page 7 “Nothing has been found in the cited portions of Sinha regarding anything ‘determined by an administrative user.’

Examiner Responds:

Examiner is not persuaded. MPEP § 2106 requires Office personnel to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed cir 2003) (claims must be interpreted in view of the specification without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551(CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322(Fed. Cir. 1989) (During patent examination the pending claims must be interpreted as broadly as their terms reasonable allow The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification

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imposed An essential purpose of patent examination is to fashion claims that are precise, clear, correct and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.

Applicant fails to point to the specification for a clear and concise definition of “administrative user.” Therefore, the MPEP, as recited above, requires examiners to give claims their broadest reasonable interpretation. A reasonable interpretation¹ of “administrative user” is the following: System administrator – An individual responsible for maintaining a multi-user computer system, including a local-area network (LAN). Typical duties include:

- 1) Adding and configuring new workstations
- 2) Setting up user accounts
- 3) Installing system-wide software
- 4) Performing procedures to prevent the spread of viruses
- 5) Allocating mass storage space

Sinha discloses the following:

ABSTRACT:

A method of path name resolution is provided for use in a network of data processing systems, whereby each user of a system can specify that a particular file, located at some other system in the network, is to be accessed using a local search mode of path name resolution, providing high access performance with fixed access speed. Each of the directories of the path name of that file which are resident in other systems of the network are then replicated on disk at the user's system, each replicated directory including a counter which is initialized to 1. Each subsequent request by a user of that system for applying the local accessing mode to the same path name results in each of the counters being incremented by 1, while each request for returning the resolution mode to the conventional network-accessing mode of path name resolution results in each of the counters being decremented by 1, with a replicated directory being deleted when its counter value reaches zero.

Sinha per the above discloses a “user” with duties similar to above dictionary definition of System Administrator who allocates mass storage space. Examiner maintains the disclosure of a “user” by Sinha reads on the claimed “administrative user.”

Applicant Argues:

Applicant states in the first paragraph of page 7 “Nothing has been found in the cited portions of Sinha regarding “attribute data specifying file usage.”

Examiner Responds:

Examiner is not persuaded. Sinha discloses in column 8, lines 25-40 file usage data, i.e., file accessing speed based on file usage. For further details, refer to above Office Action.

Applicant Argues:

Applicant states in the second paragraph of page 7, “Since the independent claims were not rejected as anticipated by Kawaguchi, it is assumed that the examiner has acknowledged that, as discussed in the August 23, 2004 amendment, Kawaguchi fails to disclose a policy set by an administrative user as recite in the independent claims.”

Examiner Responds:

Examiner is not persuaded. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore, applicant is referred to above Office Action for the feature(s) of the Kawaguchi reference which were used in an obviousness rejection of the invention. The reasons for

¹ Webopedia, The #1 online encyclopedia dedicated to computer technology.

combining the disclosures of Sinha and Kawaguchi are included in above Office Action.

Applicant Argues:

Applicant states in the third and fourth paragraphs of page 7 and the first paragraph of page 8 that Howard et al, Cheston et al and Howland et al respectively do not overcome the deficiencies of claim 1 as discussed above.

Examiner Responds:

Examiner is not persuaded. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). For further details regarding the obviousness rejections in view of Howard, Cheston et al and Howland et al, applicant is referred to above Office Action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

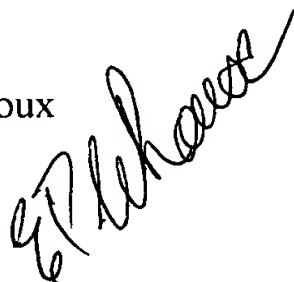
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00am and 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

1/18/2006

A handwritten signature in black ink, appearing to read 'Etienne LeRoux', is written over the printed name and date.